

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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June 8, 2007

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**Amendment of Section 13035, Title 9,
California Code of Regulations****COUNSELOR CERTIFICATION – CERTIFYING ORGANIZATIONS****Notice of Rulemaking and Public Comment Period**

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs (ADP) proposes to adopt new NTP regulations Sections 13035, Title 9, California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

In order to work as a counselor in an alcohol and other drug (AOD) treatment program, individuals are currently required to be certified by one of the certifying organizations listed in Section 13035(a), Title 9, California Code of Regulations (CCR). Section 13035 currently requires all certifying organizations to become accredited by the National Commission for Certifying Agencies (NCCA) by April 1, 2007 in order to continue certifying AOD counselors. This regulatory action will amend Section 13035(b) and (c) to extend the date by which certifying organizations must be accredited by NCCA to September 30, 2007.

AUTHORITY:

These regulations are being adopted pursuant to Sections 11755 and 11834.50 of the Health and Safety Code.

REFERENCE:

The statutory references for this regulatory action are Sections 11833 and 11834.27 of the Health and Safety Code



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FISCAL IMPACT STATEMENTS:

Anticipated costs or savings to federal funding to the state:

None

Anticipated costs or savings to state agencies:

None

Anticipated costs to county or local government:

None

Anticipated fiscal or economic impact on business:

ADP has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In fact, the proposed regulatory action will benefit business throughout the State of California. The proposed extension will prevent certifying organizations from going out of the certification business and will prevent a major workforce disruption in the AOD field that could force AOD programs to reduce services or close completely.

This regulatory action will not affect the ability of California businesses to compete with businesses in other states, as other states already require certification of AOD counselors. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Anticipated fiscal or economic impact on small businesses:

This regulatory action will impact small businesses, since most AOD programs are small businesses. However this regulatory action will benefit small business by preventing a major workforce disruption in the AOD field that could force many AOD programs out of business.

Impact on Representative Private Persons or Businesses:

ADP is not aware of any costs impacts that a representative private person or business will necessarily incur in reasonable compliance with the proposed regulatory action. In fact the proposed regulatory action will benefit up to 6,800 individuals currently registered or certified as AOD counselors. This regulatory change will prevent the need for those individuals to re-register with other certifying organizations, pay additional fees, and repeat already completed coursework. Without this regulatory action, many individuals studying to work in the AOD field may be unable to complete their certification and be forced out of the AOD field.

Mandate to Local Agencies or School Districts:

ADP has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Other Non-discretionary Costs or Savings Imposed upon Local Agencies:

None.

Impact on Housing Costs:

ADP does not anticipate that this regulatory action will impact housing costs in any way.

WRITTEN COMMENT PERIOD:

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on July 23, 2007.** Please submit any written comments before that time. ADP cannot accept written comments after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (915) 323-5873 or e-mail at MCONWAY@ADP.STATE.CA.US.

SCOPE OF TESTIMONY:

Section 11346.8(c) of the Government Code prohibits ADP from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since ADP cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period ADP will not consider testimony regarding changes which are outside the scope of this notice.

If you wish to request ADP to amend, adopt, or repeal additional sections of regulation, ADP is required to consider those changes in a separate regulatory action.

PUBLIC HEARING:

ADP has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, ADP will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

CONSIDERATION OF ALTERNATIVES:

Pursuant to Section 11346.5(a)(13) of the Government Code, ADP must determine that no reasonable alternative considered by ADP or that has otherwise been identified and brought to the attention of ADP would be more effective in carrying out the purpose for which this regulatory action was taken. ADP must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. ADP will consider any alternatives presented during the public comment period.

ADDITIONAL CHANGES:

ADP may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. ADP will make available to any interested persons, for at least 15 days prior to the date on which ADP adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. ADP will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of additional changes. Please call ADP's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS:

ADP has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on ADP's web site at <http://www.adp.ca.gov>.

PERSON TO CONTACT FOR ADDITIONAL INFORMATION:

ADP's contact for this regulation package is Mary Conway [(916) 327-4742]. Catherine Sorenson [(916) 322-4251] is the back up contact. Questions regarding the policy contained in the proposed regulatory action should be directed to Joan Robbins [(916)324-3084]

FINAL STATEMENT OF REASONS:

After the close of the 45-day public comment period, ADP will summarize and respond to all public comments in a written final statement of reasons. To obtain a

copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on ADP's web site at <http://www.adp.ca.gov>.